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09/788,179	02/16/2001	Timothy P. Meier	283-304	5313

7590

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EXAMINER
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LE, BRIAN Q

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 03/16/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/788,179

Applicant(s)

MEIER ET AL.

mn

Examiner

Brian Q Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-18 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

*Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show elements 20 and 33 of FIG. 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because all of drawings using various drawing schemes which potentially create a lot of confusion for one skilled in the art to follow i.e. "dash drawing scheme" (number-number), "dash and comma drawing scheme" (number-number, number) "number and letter drawing scheme" (number and letter). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Claim Objections*

3. The following sections of 37 CFR §1.75(a) and (d)(1) are the basis of the following objection:
  - (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.
  - (d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.
4. Claim 2 is objected to under 37 CFR §1.75(a) and (d)(1) as failing to particularly point

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out and distinctly claim the subject matter that the applicant regards as the invention. The concept 'hole' is not clearly written. The Examiner does not see a hole wherein one tray opposes it. The Examiner only sees a slot. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

5. Claim 3 is objected to under 37 CFR §1.75(a) and (d)(1) as failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. One skilled in the art does not see how the concept of reducing the specular reflections would function as claimed. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

6. Claim 1 is objected to because the claim is very difficult to understand due to the use of confusing language, "an imaging axis passing through said tray". According to the drawing, the Examiner doesn't see how an imaging axis going through the indicated tray. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

7. Claim 10 is objected to because the claim is very difficult to understand due to the use of confusing language, the limitation regarding the decoding algorithms processing is written in the way the one skilled in the art does not clearly understand. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1-4, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett U.S. Patent No. 5,642,160.

Regarding claim 1, Bennett teaches an identification card reader for processing an identification card having at least one dataform, said reader (abstract) comprising:

A housing having at least a bottom and a side (FIG. 1);

A control panel disposed on said housing (program interface to allow the user to control by keyboard) (column 13, 13-14);

A display disposed on said housing (FIG. 3, element 300);

A control circuit in communication with a memory (FIG. 2, elements 310, 350 and 360);

A tray assembly mounted to said housing, said tray assembly having a tray for receiving said identification card (FIG. 1, element 13); and

An image assembly in communication with said control circuit having an imaging axis passing through said tray (FIG. 2, elements 10 and 230).

For claim 2, Bennett teaches the card reader wherein said housing includes a hole, and wherein said at least one tray opposes said a hole, and wherein said at least one tray opposes said hole, wherein said imaging axis further passes through said hole, and wherein an object detection symbol is disposed on said at least one tray (column 2, lines 32-38).

Referring to claim 3, Bennett teaches the card reader wherein said tray is plate perpendicular to said imaging axis so that specular reflections are reduced (column 1, lines 55-63).

For claim 4, Bennett discloses the card reader wherein said tray assembly includes a plurality of trays (different insert plates) (column 1, lines 51).

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Regarding claim 8, Bennett teaches the card reader wherein said memory includes a lookup table correlating card type (the likeliness database to show the likeliness of cards) with operating parameters of said reader, wherein said control circuit reads data of said lookup table so that operating parameters of said reader vary depending upon a card type of said card (column 3, lines 38-41 and FIG. 3, elements 340, 310, 350, and 360).

Referring to claim 10, Bennett teaches the card reader wherein said memory includes a lookup table correlating card type information with dataform information, wherein said control circuit deactivates certain decoding algorithms when processing a card based on said dataform information so that decoding algorithms activated by said control circuit when processing a card depend on a card type of said card (column 3, lines 30-41).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett U.S. Patent No. 5,642,160.

Regarding claim 5, Bennett teaches a card reader wherein a tray is adjustable horizontally (slide in and out). However, Bennett does not teach the concept where the height can be adjusted vertically. However, the Examiner takes Official Notice that in a housing structure, a tray can be created so that it can be adjusted vertically or horizontally as an option

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for one skilled in the art for specific design choice. Thus, it would have been obvious for one skilled in the art to have a card reader wherein the tray is adapted to be of adjustable height.

Regarding claims 15-17, the Examiner takes Official Notice that a database would be able to decode data, parse data, compare data, generate name field data, and can be stored on a server of the internet. It would have been obvious for one skilled in the art to combine a database into the card reader system so that the database can further extend the functionality of decoding data, parsing data including generating name field data, comparing data for the card identification purpose.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett U.S. Patent No. 5,642,160 as applied to claim 1 above, and further in view of Depietro U.S. Patent No. 6,601,045.

Regarding claim 9, as discussed in claim 1, Bennett teaches the card reader wherein said control circuit determines a card type (determines different card sizes) (abstract). However, Bennett does not clearly teach the displaying of a card type prompt prompting a user for card type information and by reading user input data input in response to said card type input. Depietro teaches a card identification processing that provides prompt for user to enter card information by the display (FIG. 17B). Modifying Bennett's method of card reader processing according to Depietro would be able to allow operator to communicate effectively with the control circuit by the display. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Bennett according to Depietro.

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13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett U.S. Patent No. 5,642,160 as applied to claim 1 above, and further in view of Carlson U.S. Patent No. 5,053,607.

Regarding claim 12, as discussed in claim 1, Bennet teaches the card reader with data form carries by credit card or driver license (credit card or driver license would have topside is an OCR decodable dataform (writing in front of card such as driver name) and bottomside said card is a symbol dataform (symbolic dataform by the barcode). In addition, Carlson teaches a process of reading checks and card utilizing the concept of OCR decoding technique (column 11, lines 1-19). Modifying Bennett's method of card reader processing according to Carlson would be able to allow one skilled in the art to decode information from the card by using OCR to optically scan and retrieve printed or embedded data from the card. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Bennett according to Carlson.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett U.S. Patent No. 5,642,160 as applied to claim 1 above, and further in view of Berson U.S. Patent No. 6,104,809.

Regarding claim 13, Bennett teaches the concept of capture the first set of image information (digital image captured from the card) and the second set of image information (digital photo of a person) so that the operator can view them (column 3, lines 15-27). However, Bennet does not clearly teach the concept of teaching the limitation wherein both set of the image information can be display side by side. Berson teaches a concept of card verification system wherein both set of image information can be display side by side (FIG. 1 and FIG. 2).



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Modifying Bennett's method of card reader processing according to Berson would be able to allow one skilled in the art to compare digital images between the photo identification image and the current image of person for identification purposes. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Bennett according to Berson.

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett U.S. Patent No. 5,642,160 and Depietro U.S. Patent No. 6,601,045 as applied to claim 1 above, and further in view of Takami U.S. Patent No. 6,536,661.

Regarding claim 14, as discussed by the teaching of Bennett and Depietro, show the card reader that reads data from and displays to prompt user to enter necessary information (refer back to claims 1 and 9 for further information). However, there was no teaching by both Bennett and Depietro that the card reader can read, decode and compare the decoded message between first card and the second card. Takami teaches card secured network for electronic money transaction which reads, decodes, and compares the decoded information between the first card and the second card (column 4, lines 1-34). Modifying Bennett's method of card reader processing according to Takami would be able to allow an extra layer of secure protection before the money can be transferred. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Bennett according to Takami.

16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett U.S. Patent No. 5,642,160 and Belluci U.S. Patent No. 5,635,012 as applied to claim 1 above.

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Regarding to claim 18, as discussed in claim 1, Bennett teaches the reader wherein said housing comprises a front and a top, wherein said imaging axis extends a front of said reader, wherein said tray assembly extends from a front of said housing, and wherein said control panel and display are disposed in top of said housing (FIG. 1). However, Bennett does not teach the concept of hand-held reader. Belluci teaches the concept of a card reading system wherein the system can be a hand-held apparatus (FIG. 2B and column 4, lines 30-43). Modifying Bennett's method of card reader processing according to Belluci would allow a card reader system to be portable so it can be carried to various places. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Bennett according to Belluci.

#### *Allowable Subject Matter*

17. Claims 6,7, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *CONCLUSION*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to card reading and verification algorithm, housing, height adjustment, database, display and input for card reading system in general:

U.S. Pat. No. 6,328,208 to Artino, teaches network connected night depository.

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U.S. Pat. No. 4,821,118 to Lafreniere, teaches video imaging system for personal identification.

U.S. Pat. No. 5,286,954 to Sato, teaches banking terminal having cash dispenser and automatic depository functions.

U.S. Pat. No. 5,227,613 to Takagi, teaches secure encrypted data communication system having physically secure IC cards and session key generation based on card identifying information.

U.S. Pat. No. 6,626,357 to Ross, self-service terminal.

U.S. Pat. No. 6,068,184 to Barnett, teaches security card and system for use thereof.

U.S. Pat. No. 5,642,922 to Ramachandran, teaches automated teller machine monitor mount.

U.S. Pat. No. 6,212,290 to Gagne, teaches non-minutiae automatic fingerprint identification system and methods.

U.S. Pat. No. 5,780,825 to Sato, teaches automatic teller machine including a halt requesting mechanism in a durss period.

U.S. Pat. No. 4,567,358 to Takmatsu, teaches automatic teller system.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 703-305-5083. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the

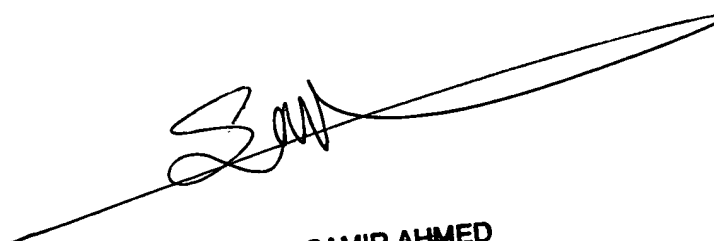
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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC Customer Service whose telephone number is 703-306-0377.

BL

March 5, 2004

A handwritten signature in black ink, appearing to read 'Samir', with a long horizontal line extending to the right.

**SAMIR AHMED  
PRIMARY EXAMINER**